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8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 HERBERT OWENS,

11 Plaintiff,

No. CIV S-01-0127 FCD PAN P

12 vs.

13 SUZAN HUBBARD,

14 Defendant.

ORDER

15 \_\_\_\_\_/  
16 Plaintiff, a state prisoner proceeding pro se, has filed this civil rights action  
17 seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate  
18 Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local General Order No. 262.

19 On June 30, 2005, the magistrate judge filed findings and recommendations  
20 herein which were served on all parties and which contained notice to all parties that any  
21 objections to the findings and recommendations were to be filed within twenty days. Neither  
22 party has filed objections to the findings and recommendations.

23 The court has reviewed the file and finds the findings and recommendations to be  
24 supported by the record and by the magistrate judge's analysis. Accordingly, IT IS HEREBY  
25 ORDERED that:

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2. Claims against defendant Nakagawa are dismissed without prejudice for plaintiff's failure timely to serve him with process.

/s/ Frank C. Damrell Jr.  
FRANK C. DAMRELL JR.  
United States District Judge